



COMMISSION MEETING MINUTES

Indiana Fire Prevention and Building Safety Commission
Online Cisco Webex Format

Tuesday, April 7, 2020

APPROVED AS SUBMITTED AT 7/7/20 MEETING

1. Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's (the Commission's) regular monthly meeting was called to order by Chairman Robin Nicoson at 9:16 a.m. on Tuesday, April 7, 2020. The meeting was conducted electronically by videoconference call through Cisco Webex.

(a) Commissioners present at the Commission meeting:

Greg Furnish
Kevin Goeden, representing the Commissioner, Indiana Department of Labor
James Greeson
Joseph Heinsman
David Henson
Todd Hite, representing the Commissioner, Indiana State Department of Health
James Jordan
Robin Nicoson, Chairman
Scott Pannicke
Michael Popich, Vice-Chairman

(b) Commissioners not present at the Commission meeting:

Michael Corey

(c) The following departmental staff were present during the meeting:

Douglas Boyle, Director of Fire Prevention and Building Safety Commission
Bryston Sprecher, Administrative Assistant to the Fire Prevention and Building Safety Commission
Craig Burgess, State Building Commissioner
Alan Blunk, IDHS Plan Review Section Chief
Denise Fitzpatrick, IDHS Code Specialist
Kim Hyten, IDHS Code Specialist
Marcus Ballenger, IDHS Code Specialist
Philip Gordon, Deputy Attorney General & Legal Counsel to Fire Prevention and Building Safety Commission

Justin Guedel, IDHS Deputy General Counsel
Kevin Troy, IDHS Code Enforcement Assistant Section Chief (State Fire Marshal's Office)
Karla Vanblaricum, IDHS Variance Coordinator

2. Roll Call – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission

Director Boyle conducted roll call and noted that quorum was present, with 10 commission members in attendance.

3. Overview of the Conduct/Procedures of the Commission's Electronic/Remote Meeting(s) – Douglas Boyle, Director of the Fire Prevention and Building Safety Commission

Under Indiana statute, essential meetings are permitted to be conducted online during emergency declarations. Director Boyle laid out the guidelines of the online format, stating that he will call upon the applicant when their variance has been opened for discussion. Besides Commission members, all microphones and webcams should remain turned off, unless otherwise specified. Director Boyle stated that, as the host of the meeting, he can mute/unmute certain individuals if there is too much background noise. A chat setting can also be used to raise questions and/or get the attention of Director Boyle. Under the guidelines for the operating of electronic meetings, all votes on official subject matter, relating to variances or ordinances, must be obtained through a roll call. Director Boyle will call on the name of each Commission member to cast his vote once the motion has been made. During the explanation of this procedure, Commissioner Pannicke suggested that members identify themselves for all motions and seconds, so that the record can accurately reflect who is speaking. Finally, Director Boyle noted that Dave Henderson, the IT Coordinator for IDHS, will be present to manage any potential technological issues.

4. Overview of Governor Holcomb's COVID-19 Public Health Emergency Executive Orders and their effects on the Commission – Philip Gordon, Deputy Attorney General and Legal Counsel & Justin Guedel, IDHS Deputy General Counsel

- a. Temporary Changes to the Indiana Open Door Law/Requirements for Public Meetings
- b. Essential Infrastructure, Essential Government Functions, and Essential Businesses and Operations
- c. Authority to Waive, Suspend, or Modify any Existing Rule during the COVID-19 Public Health Emergency

Justin Guedel once again reiterated that all meetings can now be conducted online. The temporary modifications to the Indiana Open Door law mean that agencies are also allowed to postpone meetings, as they see fit. Additionally, upon Governor Holcomb's approval, rules and regulations are allowed to be waived, modified, or suspended for the duration of the public health emergency. This will hopefully help to facilitate the

expansion of hospitals, as well as permitting certain buildings to be converted into a makeshift medical facility in a timely manner. Director Boyle added that the stay-at-home order is in effect through April 30, so only essential orders of business should be addressed in these meetings. Because construction companies are still permitted to operate, Director Boyle considered all filed variances, petitions for administrative review, and non-final orders of dismissal, and adopted ordinances to remain on the agenda throughout the duration of the government shutdown. As such, all subcommittee meetings, including the Elevator Code Committee and the Boiler and Pressure Vessels Committee, should remain postponed at this time. Director Boyle stated that he hoped to get these meetings back on a regularly operating schedule by late spring to early summer. The Commission may need to hold additional meetings to discuss existing rule waivers, but Justin Guedel said that some are already being reviewed, and anyone is free to submit proposals as they see fit. Finally, Director Boyle reminded the members that any information, regarding the stay-at-home order and its effects on the Commission's business, can be found in Governor Holcomb's Executive Order 20-08 on the Indiana Government website.

5. Commission Action on Locally-Approved Variance(s) Pursuant to Indiana Code § 22-13-2-7(b)

Superior Oil, 400 West Regent Street, Indianapolis, IN 46225

Director Boyle briefly provided details regarding this locally-approved variance, but Commissioner Popich motioned to approve, as he stated this had been previously reviewed. Commissioner Heinsman seconded the motion.

• **Roll Call Vote:**

- **Greg Furnish:** X Yes No
- **Kevin Goeden:** X Yes No
- **Jim Greeson:** X Yes No
- **Joe Heinsman:** X Yes No
- **David Henson:** X Yes No
- **Todd Hite:** X Yes No
- **Wes Jordan:** X Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

The variance was **approved** as submitted, with a vote of 10-0.

6. Variances

a. Tabled

19-12-45 Morgan Acres Barn, Indianapolis

Dann Keiser and Tim Callas spoke as the proponents. According to both individuals, all items on the previous request for inspection were examined, and the structure was deemed to be in good condition. The engineers confirmed that the barn will be able to support the lateral load, which was in question at last month's meeting. Commissioner Jordan motioned to approve, and Commissioner Henson seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved as submitted, with a vote of 10-0.

20-01-61 Bluffton Street Fair, Bluffton

Don Craig, Bluffton Fire Department, spoke as the proponent, as the applicant was not available. He stated that Trudy (the applicant) was supposed to be present, but she was having difficulties connecting to the meeting electronically. Mr. Craig outlined a written comment form that he had submitted to staff prior to the meeting. Furthermore, he stated that both parties are now on the same page, and he recommends approval. Commissioner Henson raised some safety concerns, but Commissioner Pannicke reminded him that Mr. Craig is responsible for enforcing the local fire department's regulations, so the Commission should feel confident in accepting his decision. Before a vote was taken, Director Boyle stated that the street fair would remain in compliance until December 31, 2025, given it complies with conditions set forth by the Commission, which include the following: 1) a sixteen-foot (16 ft.) fire lane shall be maintained on Johnson Street, 2) an eighteen-foot (18 ft.) fire lane shall be maintained on the west end of Market Street, starting at Marion Street, 3) the fire lanes shall be maintained at twenty feet (20 ft.) everywhere else in the town of Bluffton during the fair, 4) vendors shall work with the Bluffton Fire Department to prove that they have moved as far back and out of the fire lane as possible, in order to avoid receiving a written code violation, and 5) to the fullest extent possible, the Street Fair Board shall work with the Bluffton Fire Department to move vendors with equipment placed well into fire lane(s) due to permanent, immovable obstructions (buildings, trees, etc.). Commissioner Pannicke motioned to approve, and Commissioner Popich seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**

- **Jim Greeson:** X Yes No
- **Joe Heinsman:** X Yes No
- **David Henson:** X Yes No
- **Todd Hite:** X Yes No
- **Wes Jordan:** Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

The variance was **approved** with conditions, with a vote of 8-1.

20-01-66 Indy Jet West Expansion, Greenfield

Carrie Ballinger spoke as the proponent. Mrs. Ballinger stated that the inspection had already been performed, but new information needs to be evaluated, so she requested this be tabled. Scott Daugherty, of the Indianapolis Airport Authority, asked that this variance be denied, stating that the Airport Authority would never agree to this proposal. Proponent interjected, asking that some additional time be allotted to this variance in hopes that a compromise could be reached. She further stated that a meeting between the parties has not occurred outside of these commission meetings, and this could provide an opportunity to work out any disagreements. Commissioner Popich originally made the motion to table, but after hearing Mr. Daugherty’s dispute, withdrew his motion. Commissioner Heinsman raised a motion to table, and Commissioner Furnish seconded.

- **Roll Call Vote:**
 - **Greg Furnish:** X Yes No
 - **Kevin Goeden:** X Yes No
 - **Jim Greeson:** X Yes No
 - **Joe Heinsman:** X Yes No
 - **David Henson:** X Yes No
 - **Todd Hite:** X Yes No
 - **Wes Jordan:** X Yes No
 - **Robin Nicoson:** Yes X No
 - **Scott Pannicke:** Yes X No
 - **Michael Popich:** Yes X No

The variance was tabled, with a vote of 6-3.

20-02-32 AC Moxy Hotels, Indianapolis

No proponent was present to speak. Margie Bovard requested that this be tabled until additional site and building plans can be provided. Commissioner Pannicke motioned to table, and Commissioner Popich seconded.

- **Roll Call Vote:**
 - **Greg Furnish:** X Yes No

- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was tabled, with a vote of 9-0.

20-02-38 (c) Consolidated Civil and Criminal Courthouse, Indianapolis

Christina Collester spoke as the proponent. This is a variance concerning stair pressurization systems, with similar variances having been approved in September. Proponent stated that the updated mechanical equipment is meant to keep stairways clear of smoke, but often times, the pressurization system causes the doors to be over pressurized, and thus they cannot be opened. In some recent tests conducted, the results showed that 35% percent of pressurization systems failed to function up to standards, and some even failed to function at all. Because of this, Mrs. Collester is requesting that the building simply be sprinklered until a more reliable system is put in place. She stated that no lives have been lost in the past 20 years in sprinklered high-rise buildings – with the exception of terrorist attacks. Margie Bovard asked if the system could be controlled manually, as opposed to automatically, and Mrs. Collester agreed. Commissioner Henson motioned to table, and Commissioner Goeden seconded. Both Commissioner Popich and Commissioner Heinsman recused themselves from the vote.

- **Roll Call Vote:**
 - **Greg Furnish:** **Yes** **No**
 - **Kevin Goeden:** **Yes** **No**
 - **Jim Greeson:** **Yes** **No**
 - **Joe Heinsman:** **Yes** **No**
 - **David Henson:** **Yes** **No**
 - **Todd Hite:** **Yes** **No**
 - **Wes Jordan:** **Yes** **No**
 - **Robin Nicoson:** **Yes** **No**
 - **Scott Pannicke:** **Yes** **No**
 - **Michael Popich:** **Yes** **No**

The variance was **tabled**, with a vote of 7-0.

b. New

20-03-38 Dollar General, Indianapolis

Glenn Rahn spoke as the proponent. Commissioner Popich recused himself from the discussion and vote. Mr. Rahn is the former architecture for the Family Video, which allowed for a clear floor area in the lavatory. The request is to be grandfathered in, permitting the original lavatory flooring to be retained. Additionally, new piping would be installed, as well as converting the doorknobs and faucets to levers. Without this compromise, proponent stated that destroying the current flooring and installing new flooring would put the project significantly over budget. To answer the commissioners' questions, proponent stated that this particular variance is unlikely to come up again, and that the original business was established in the early 2000s. Steve Cooling backed Rahn's claims and added that the overall size of this Dollar General is smaller than the typical store – 7,000 square feet, with an additional 12,000 coming from the Asian restaurant addition. The State Building Commissioner, Craig Burgess, clarified that only one bathroom needs to comply to code if the other remain gender neutral. Allen Blanc, of Planned Review, added that no further modifications would be required since the existing restrooms are not undergoing a change in use. The local fire marshal, Randy Gully, confirmed this, adding that the building remained an M occupancy. Commissioner Pannicke made a motion that no variance is required, and Commissioner Henson seconded the motion.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The motion passed, with a vote of 9-0.

Breaking and Reconvening: Commissioner Henson requested a five-minute break. The Commission broke at 11:08 a.m. and reconvened at 11:18 a.m.

20-03-39 (a)(b) IU Maker Space Adaptive Reuse, Bloomington

Roger Lehman spoke as the proponent. This project concerns the construction of a separate gymnasium and lobby from the existing maker space. In lieu of a fire wall, a fire barrier will be installed in between the A3 and B occupancies of the building. IU will sprinkler the A3 area and install fire alarms. The gymnasium will not be used for sporting events, and proponent request that three water closets be removed from the female restrooms, as well as two closets and urinals from the male restrooms to provide adequate seating capacity. Tim Clapp, Bloomington Fire Department, said he had no objections. Commissioner Henson motioned to approve (a), and Commissioner Heinsman seconded.

- **Roll Call Vote:**
 - **Greg Furnish:** **Yes** **No**
 - **Kevin Goeden:** **Yes** **No**
 - **Jim Greeson:** **Yes** **No**
 - **Joe Heinsman:** **Yes** **No**
 - **David Henson:** **Yes** **No**
 - **Todd Hite:** **Yes** **No**
 - **Wes Jordan:** **Yes** **No**
 - **Robin Nicoson:** **Yes** **No**
 - **Scott Pannicke:** **Yes** **No**
 - **Michael Popich:** **Yes** **No**

Variance (a) was **approved** as submitted, with a vote of 10-0.

The second variance involves installing a two-hour fire barrier in lieu of a fire alarm. Craig Burgess reiterated that the cause for concern only involved the fixture count, which was approved in the last variance. Proponent also stated that the lower lobby could be sprinklered, if needed. Commissioner Heinsman moved to approve (b), on the condition that a code-compliant sprinkler system is required to be installed in the 1,016 square foot lobby, shown in the lower, right corner of the Level 1 life safety plan attached to the variance application. Commissioner Jordan seconded.

- **Roll Call Vote:**
 - **Greg Furnish:** **Yes** **No**
 - **Kevin Goeden:** **Yes** **No**
 - **Jim Greeson:** **Yes** **No**
 - **Joe Heinsman:** **Yes** **No**
 - **David Henson:** **Yes** **No**
 - **Todd Hite:** **Yes** **No**
 - **Wes Jordan:** **Yes** **No**
 - **Robin Nicoson:** **Yes** **No**
 - **Scott Pannicke:** **Yes** **No**
 - **Michael Popich:** **Yes** **No**

Variance (b) was **approved** on conditions, with a vote of 10-0

20-03-40 (a)(b) Bramble Berry Event Center, Indianapolis

Carrie Ballinger spoke as the proponent. The request is to use temporary restrooms to comply with the fixture count. Proponent stated that they are currently awaiting the variances' approval before moving on with structural design for repairs, so she asked that this be tabled until those plans are acquired. There is also a zoning approval for vehicles. Mrs. Ballinger inquired as to the possibility of using pump and haul in lieu of a septic system, but Commissioner Hite advised her that this method has been prohibited in the

State of Indiana since the 1970s. Commissioner Pannicke motioned to table, and Commissioner Jordan seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variances were **tabled**, with a vote of 10-0.

20-03-41 (a)(b)(c) Wabash Middle School – High School Additions, Wabash

Ed Rensink spoke as the proponent. There will be a pedestrian connector adjoining the middle and high school, as well as the addition of a two-story middle school gymnasium. The request is that the corridor not be rated. Proponent stated that the additions will remain sprinklers, which includes the basement. Commissioner Pannicke motioned to approve, and Commissioner Henson seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (a) was approved as submitted, with a vote of 10-0.

The second variance is requesting the required egress from both floor levels in the gymnasium to be waived, as the current travel distance to exit the building does not negatively impact public safety. Commissioner Pannicke motioned to approve (b), and Commissioner Jordan seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**

- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (b) was approved as submitted, with a vote of 10-0.

The third variance asks that the connector addition be allowed to be added to the existing building, while exceeding permitted building area. Commissioner Pannicke moved to approve (c), and Commissioner Henson seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (c) was approved as submitted, with a vote of 10-0.

20-03-42 Seraphim Asian Grill, Indianapolis

Corey Frye spoke as the proponent. Mr. Frye is requesting a variance for a UL-17 rated hood for a zero clearance on combustibles. Current code does not allow a zero clearance. Margie Bovard had no comments or objections. Aaron Gerhardt clarified that there are no conditions on the hood, and it is truly a zero clearance from any wood structures. Using a hood for zero clearance was adopted in the 2012 mechanical code, as well as NFPA 96. It is widely recognized as a sufficient means of protection. Commissioner Heinsman motioned to approve, and Commissioner Pannicke seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**

- **Todd Hite:** X Yes No
- **Wes Jordan:** Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

The variance was approved as submitted, with a vote of 9-0.

Breaking & Reconvening: The Commission broke for lunch at 12:10 p.m. Director Boyle reconvened the meeting at 12:43 p.m.

20-03-43 (a)(b)(c)(d)(e)(f) Waelz Kiln Facility, Logansport

Christina Collester spoke as the proponent. Mrs. Collester stated this is the variance for the updated site location, and that the Commission had previously approved the same one for the former site location in Rushville last summer. She further said that ground has officially been broken. This project involves a zinc recycling facility of H-4 occupancy, due to corrosive materials. No comments or concerns were raised from the local building official. Proponent stated that no language had been changed from the Muncie and Rushville applications. Director Boyle received a written comment form regarding safety concerns and asked that the Commission take that into consideration. Mrs. Collester gave a brief rundown of each variance. The variances involve height & area, emergency standby power, coal exits, travel distance to a means of egress, drive-ins, and a sprinkler system. Height & area, emergency standby power, coal exits, travel distance, exhaust system, drive-in, sprinkler system. Commissioner Pannicke motioned to approve (a)-(f), but additional information was needed before (g) could be approved, so Director Boyle proposed that it be tabled. Commissioner Heinsman seconded.

• **Roll Call Vote:**

- **Greg Furnish:** X Yes No
- **Kevin Goeden:** X Yes No
- **Jim Greeson:** X Yes No
- **Joe Heinsman:** X Yes No
- **David Henson:** X Yes No
- **Todd Hite:** X Yes No
- **Wes Jordan:** X Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

Variance (a)-(f) were approved as submitted, with the exception of (g), which was tabled. They were both passed with a vote of 10-0.

20-03-44 Hampton Inn Hamilton Crossing PIP Renovation, Carmel

Andy Vannice spoke as the proponent. The request is that access panels not be installed – totaling to eight per floor. Instead, proponent proposes to remove dry wall and replace the LED battery backup in the case that any emergency lighting goes out. The owner, Jeffrey Brown, expressed the cost and overall aesthetics being an issue for an upgrade that takes a lot of work to fix. Additionally, testing is done regularly, so the drivers can be easily replaced. Commissioner Jordan motioned to approve, and Commissioner Greeson seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved as submitted, with a vote of 10-0.

20-03-45 (a)(b)(c)(d)(e)(f) Tippecanoe Laboratories T99/T100/T158, Lafayette

Christina Collester spoke as the proponent. This concerns a large facility used to compound products for the pharmaceutical industry. Due to the hazardous materials being treated, the building is classified as an H-1/H-2 occupancy. The first variance concerns a secondary containment system. An additional processing tower will be added to T100 and processing will be expanded in T100. All waste is treated on-site then sent to the West Lafayette water treatment facility for further processing. Because of this process, a secondary containment system is not needed.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (a) was approved as submitted, with a vote of 10-0.

The second variance is requesting to exceed the maximum allowed height and area for the buildings. Section 503.1.2 allows for all buildings to be classified as one on the same lot. Commissioner Pannicke moved to approve, and Commissioner Henson seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (b) was approved as submitted, with a vote of 10-0.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The third variance is for occupancy separation of observations booths, clerical areas, etcetera, which move around with the equipment and are not separated by rated walls. All areas are fully sprinklered. Commissioner Pannicke moved to approve, and Commissioner Heinsman seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (c) was approved as submitted, with a vote of 10-0.

The fourth variance concerns a change in occupancy. These buildings have always been processing facilities, but the classification of the building has changed, due to a greater toxicity of materials being processed. Additionally, renovations and new structures have been added over the past 60 years. According to a study done a few years back, proponent stated that any additional renovations would require the building to meet all current building code. Mrs. Collester stated that classifying the building as an H-2/H-3 occupancy would allow for the buildings to not have to undergo these changes, given the building is already the most hazardous form within the code. Commissioner Pannicke motioned to approve, and Commissioner Furnish seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (d) was approved as submitted, with a vote of 10-0.

The fifth variance involves the installation of a constant exhaust system. Instead, proponent is requesting a specialty exhaust ventilation system, based on the risk factor of each individual area. If a given area changes the materials being processed, proponent stated that Planned Review would reevaluate. Commissioner Pannicke motioned to approve, and Commissioner Goeden seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (e) was approved as submitted, with a vote of 10-0.

The last variance concerns standby emergency power, which will not be provided due to the size of the building. A backup generator, provided by Duke Energy, will be on-site. NFPA risk analysis shows that this power source does qualify as reliable. Commissioner Pannicke moved to approve, and Commissioner Henson seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variance (f) was approved as submitted, with a vote of 10-0.

20-03-46 65 Commerce Park 2 TI Life Science Log Vault, Whitestown

Christina Collester spoke as the proponent. The facility in question requires a secured vault system to comply with the DEA for schedule II controlled substances, but it cannot meet the building code requirements at the same time because the doors are too short, they require special knowledge to operate, and unlatching of the doors require multiple employees. Proponent stated that an emergency escape mechanism can be used to exit the vault with a special override. Furthermore, very few employees have access to the vault and require a large amount of training before being allowed to enter. Commissioner Heinsman moved to approve, and Commissioner Goeden seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved as submitted, with a vote of 10-0.

20-03-47 Franciscan Beacon Hospital, La Porte

Derek Holman spoke as the proponent. The request is to not require mechanical supplies to be enclosed in a one-hour shaft enclosure, as this would require a rerouting of utilities along the ceiling. Proponent states that this option does still meet the requirements of the NFPA 99 code. Some commissioners had questions whether a violation had been issued, but Mr. Holman clarified that the hospital was simply taking a proactive approach to their renovation process. Commissioner Hite motioned to approve, and Commissioner Greeson seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved as submitted, with a vote of 9-1.

20-03-48 Simplicity Furniture Temp Tent, Evansville

Roger Lehman spoke as the proponent. The request is to allow a 2,400 square foot furniture sales tent to be set up for a maximum of 150 days over a two-year period. Lighting, emergency exits, and exit signs will also be provided. The Commission voiced concerns over the tent tie downs, proximity to the road, as well as the GAR requirement that would require the tent to be registered as a permanent structure after 90 days. Commissioner Hite motioned to approve the variance until November 1, 2020, and Commissioner Heinsman seconded with the following conditions: 1) the tent may be erected for a period not to exceed one-hundred and twenty (120) days, 2) the applicant is required to file plans and an application for construction design release for the tent with the State (IDHS Plan Review), in accordance with the requirements of the Commission's General Administrative Rules, 3) the applicant is required to install protection (i.e. jersey barriers) adjacent to the tent along Green River Road, in order to protect the tent and its occupants from the vehicular traffic driving along Green River Road, and 4) the applicant shall comply with all State and manufacturer's requirements for operation of tent.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**

- **Todd Hite:** X Yes No
- **Wes Jordan:** X Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

The variance was approved with conditions, and a vote of 10-0.

Breaking & Reconvening: Chairman Nicoson recessed the Commission for a ten-minute break at 2:36 p.m. He called the meeting back to order at 2:46 p.m.

20-03-49 (a)(b)(c)(d)(e) Taxman CityWay, Indianapolis

Ed Rensink spoke as the proponent. The project involves the conversion and addition to a pre 1900s building for use of a brewery restaurant, including an outdoor patio area. Following a dispute between the architect and an inspector, the building had been cited for five violations within its first three months of being opened. The following variances aim to remedy this dispute and account for those citations. Variance a), b), and c) involve the lack of a ramp connecting the patio to the parking lot. Mr. Rensink stated that the depth of the drop-off is approximately 48 inches. The cost to tear up the concrete and install a ramp would be about \$27,000. After a brief discussion, Commissioner Pannicke moved to approve with the following conditions: 1) a concrete pad sloping out to the public way (the public sidewalk) is required to be added at the southern-most east gate to be used for egress, in order to connect the patio to the public way (the public sidewalk), and 2) handrails are required to be installed on both sides of the southern-most east gate to be used egress. Commissioner Jordan seconded. Both Commissioner Heinsman and Popich recused themselves from the discussion and vote.

• **Roll Call Vote:**

- **Greg Furnish:** X Yes No
- **Kevin Goeden:** X Yes No
- **Jim Greeson:** X Yes No
- **Joe Heinsman:** Yes No
- **David Henson:** X Yes No
- **Todd Hite:** X Yes No
- **Wes Jordan:** X Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** Yes No

Variances (a), (b), and (c) were **approved w/conditions**, with a vote of 8-0.

Variances (d) and (e) deal with the requirement for exit lighting. In lieu of the traditional lighting that code requires, exits will be illuminated by battery powered egress lights on each of the two exit gates. There will also be adequate signage and illumination around the patio. Commissioner Pannicke motioned to approve, and Commissioner Henson

seconded. Both Commissioner Heinsman and Popich recused themselves from the discussion and vote.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

Variances (d) and (e) were **approved** as submitted, with a vote of 8-0.

20-03-50 Promise Lane Barn Renovation, Peru

Dann Keiser spoke as the proponent. This project involves the conversion of an agricultural barn to a Class I structure for A2 occupancy to be used as event space. Proponent stated that there are means of egress on both floors, and the barn passed the Chapter 34 structural evaluation with the addition of smoke and fire alarms. There is also an exit door in the face of the barn's sliding door that will only be used for inclement weather purposes. The Commission had questions regarding a house that will be used as a temporary restroom and changing site. This will require a second variance, and many members voiced concerns over this house eventually being used as an Air BnB for wedding guests to use as an overnight lodge. As far as the barn itself, Commissioner Pannicke motioned to approve, and Commissioner Heinsman seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved as submitted, with a vote of 10-0.

20-03-51 Bloomington/Walnut, Bloomington

Sherri spoke as the proponent. The code permits the ceiling membrane of 1- and 2-hour fire rated horizontal assemblies to be interrupted with the double wood top plate of a fire-resistance-rated wall assembly, as long as all penetrating items through the double top plates are protected. The request is to allow the ceiling membrane of the 1-hour rated horizontal assemblies to be interrupted with the single wood top plate. Proponent stated that a double wood top plate would put the project significantly over budget. Commissioner Heinsman motioned to approve, and Commissioner Goeden seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved as submitted, with a vote of 9-1.

20-03-52 Bloomington/Walnut, Bloomington

Sherri Sadai spoke as the proponent. This project involves a wrap building with type 3-A construction, as well as a parking garage. Proponent stated that there are two tunnels leading into the garage. The request is that these tunnels possess a 3 hour rating, in lieu of having a standard fire shutter. The reason for this is that a fire shutter will obstruct egress exits. Additionally, standpipe connections will be provided, and the fire department had no objections. Commissioner Pannicke motioned to approve, on the condition that close-spaced sprinklers are installed in lieu of the eliminated fire shutter between Building 1000 and the garage. Commissioner Heinsman seconded.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved, with a vote of 10-0.

20-03-53 Vincennes Brewing Company Tenant Space, Vincennes

1. Ed Rensink spoke as the proponent. The issue concerns a building being converted into a microbrewery. It is housed in a building in which some parts consist of four floors, while other parts have only two floors. The variance is to allow the tenant to only occupy the first floor without undergoing a change in use application. Proponent states that the upper floors remain unoccupied and are barred off to the public. The tenants are already in compliance with means of egress, fire systems, and occupancy load. Part of building is 2 floors other part is 4 floors. Variance to allow occupying only first floor and upper floors would remain unoccupied until egress is made available there. Complying egress, fire system, occupancy load. There is also a salon located on the opposite side of the building separated by a non-rated wall. Commissioner Pannicke motioned to approve on the conditions that 1) the unoccupied upper levels of the structure are not permitted to be occupied for use until a valid construction design release is obtained from the State and a valid certificate of occupancy is obtained from the local authority having jurisdiction, and 2) the existing fire alarm system is required to be extended into all occupied space(s) of the structure. Commissioner Henson seconded.

- **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved as submitted, with a vote of 10-0.

20-03-54 Mustard Seed Gardens Barn, Noblesville

Ed Rensink spoke as the proponent. The request is to allow the three level south edition to the event portion of the building to be evaluated as Chapter 34. The maximum travel distance to the exits from any portion of the building is 72 feet. The lower level will undergo a change in use from a storage space to an event accessory space used to house receptions. Commissioner Jordan motioned to approve, and Commissioner Greeson seconded.

- **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**

- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The variance was approved as submitted, with a vote of 10-0.

7. Commission Review and Action on Non-Final Orders/Non-Final Orders of Dismissals

a. Non-Final Orders of Dismissal

- i. IDHS Civil Penalty Order No. BU30415_10022019 – Blue Olive Café
Cause No. DHS-1917-FPBSC-017

Director Boyle stated that the respondent filed a motion to dismiss after deciding to waive the civil penalty. Commissioner Jordan motioned to affirm, and Commissioner Heinsman seconded the motion.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**
- **Joe Heinsman:** **Yes** **No**
- **David Henson:** **Yes** **No**
- **Todd Hite:** **Yes** **No**
- **Wes Jordan:** **Yes** **No**
- **Robin Nicoson:** **Yes** **No**
- **Scott Pannicke:** **Yes** **No**
- **Michael Popich:** **Yes** **No**

The motion passed, with a vote of 10-0.

- ii. IDHS Report of Inspection Order No. 460079 – St. Jude Catholic Church
Cause No. DHS-2001-FPBSC-001

Director Boyle stated that the parties filed a joint motion to dismiss after further consideration led the respondent to agree to terms. Commissioner Jordan motioned to affirm, and Commissioner Popich seconded the motion.

• **Roll Call Vote:**

- **Greg Furnish:** **Yes** **No**
- **Kevin Goeden:** **Yes** **No**
- **Jim Greeson:** **Yes** **No**

- **Joe Heinsman:** X Yes No
- **David Henson:** X Yes No
- **Todd Hite:** X Yes No
- **Wes Jordan:** X Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

The motion passed, with a vote of 10-0.

iii. IDHS Report of Inspection Order No. BU30410 – Sports Lake Campground
Cause No. DHS-1913-FPBSC-013

Director Boyle stated that the judge filed an order upon the respondent’s motion to dismiss. After further consideration, the respondent rescinded the inspection order, due to the Department of Health dismissing any potential violations. Commissioner Jordan moved to affirm, and Commissioner Popich seconded the motion.

• **Roll Call Vote:**

- **Greg Furnish:** X Yes No
- **Kevin Goeden:** X Yes No
- **Jim Greeson:** X Yes No
- **Joe Heinsman:** X Yes No
- **David Henson:** X Yes No
- **Todd Hite:** X Yes No
- **Wes Jordan:** X Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

The motion passed, with a vote of 10-0.

iv. IDHS Report of Inspection Order No. AE2235117 – Culbertson Mansion SHS
Cause No. DHS-1919-FPBSC-019

Director Boyle stated that the ALJ submitted an order vacating the prehearing conference and recommended a dismissal, due to parties’ joint motion to dismiss. Respondent agreed to terms since a change in use did not occur. Commissioner Greeson moved to affirm, and Commissioner Goeden seconded the motion.

• **Roll Call Vote:**

- **Greg Furnish:** X Yes No
- **Kevin Goeden:** X Yes No
- **Jim Greeson:** X Yes No
- **Joe Heinsman:** X Yes No
- **David Henson:** X Yes No

- **Todd Hite:** X Yes ___ No
- **Wes Jordan:** X Yes ___ No
- **Robin Nicoson:** X Yes ___ No
- **Scott Pannicke:** X Yes ___ No
- **Michael Popich:** X Yes ___ No

The motion passed, with a vote of 10-0

- v. State of Indiana Construction Design Release Project No. 412616 – Clyde Club Room
Cause No. DHS-2006-FPBSC-006

Director Boyle stated that the ALJ submitted a dismissal upon both parties’ joint motion to dismiss. After consideration of petitioner’s argument, respondent released updated design plans. Commissioner Popich moved to affirm, and Commissioner Jordan seconded the motion.

- **Roll Call Vote:**
 - **Greg Furnish:** X Yes ___ No
 - **Kevin Goeden:** X Yes ___ No
 - **Jim Greeson:** X Yes ___ No
 - **Joe Heinsman:** X Yes ___ No
 - **David Henson:** X Yes ___ No
 - **Todd Hite:** X Yes ___ No
 - **Wes Jordan:** X Yes ___ No
 - **Robin Nicoson:** X Yes ___ No
 - **Scott Pannicke:** X Yes ___ No
 - **Michael Popich:** X Yes ___ No

The motion passed, with a vote of 10-0.

- vi. IDHS Report of Inspection Order Numbers B98E-D231 & C218-393A – Jimtown Intermediate & Elementary Schools
Cause No. DHS-2003-FPBSC-003

Director Boyle stated that both parties filed a joint motion to dismiss. By informally resolving the issue, respondent agrees to comply with the 2008 Building Code, so long as petitioner uses only proposed devices under the stated conditions. Commissioner Jordan motioned to affirm, and Commissioner Pannicke seconded the motion.

- **Roll Call Vote:**
 - **Greg Furnish:** X Yes ___ No
 - **Kevin Goeden:** X Yes ___ No
 - **Jim Greeson:** X Yes ___ No
 - **Joe Heinsman:** X Yes ___ No

- **David Henson:** X Yes No
- **Todd Hite:** X Yes No
- **Wes Jordan:** X Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

The motion passed, with a vote of 10-0.

- vii. Written Interpretation of the State Building Commissioner No. CEB-2020-06-2020
IRC-E3401.2
Cause No. DHS-2005-FPBSC-005

Director Boyle stated that this was issued by the ALJ, following the parties’ joint motion to dismiss. After discussion, the petitioner withdrew its request for administrative review. Commissioner Popich moved to affirm, and Commissioner Henson seconded the motion.

- **Roll Call Vote:**
 - **Greg Furnish:** X Yes No
 - **Kevin Goeden:** X Yes No
 - **Jim Greeson:** X Yes No
 - **Joe Heinsman:** X Yes No
 - **David Henson:** X Yes No
 - **Todd Hite:** X Yes No
 - **Wes Jordan:** X Yes No
 - **Robin Nicoson:** X Yes No
 - **Scott Pannicke:** X Yes No
 - **Michael Popich:** X Yes No

The motion passed, with a vote of 10-0.

- viii. Fire Prevention and Building Safety Commission’s Order of Denial of Ordinance
No. 2019-12-01 – Building Code of the Town of Atlanta, Indiana
Cause No. DHS-2002-FPBSC-002

Director Boyle stated that the ALJ submitted a recommend order, upon receiving a notice of withdraw of the petition for review. Commissioner Heinsman moved to affirm, and Commissioner Pannicke seconded the motion.

- **Roll Call Vote:**
 - **Greg Furnish:** X Yes No
 - **Kevin Goeden:** X Yes No
 - **Jim Greeson:** X Yes No
 - **Joe Heinsman:** X Yes No
 - **David Henson:** X Yes No

- **Todd Hite:** X Yes No
- **Wes Jordan:** X Yes No
- **Robin Nicoson:** X Yes No
- **Scott Pannicke:** X Yes No
- **Michael Popich:** X Yes No

The motion passed, with a vote of 10-0.

b. Non-Final Orders

- i. IDHS Civil Penalty Order No. AE7441 - Century Center Cause No. DHS-1909-FPBSC-009

Director Boyle stated that the respondent requested a summary judgement be provided by an ALJ. Per the final order, the ALJ ruled that the petitioner is required to submit the payment for the civil penalty. After brief discussion, Commissioner Heinsman moved to affirm the final order, and Commissioner Pannicke seconded the motion.

- **Roll Call Vote:**
 - **Greg Furnish:** X Yes No
 - **Kevin Goeden:** X Yes No
 - **Jim Greeson:** X Yes No
 - **Joe Heinsman:** X Yes No
 - **David Henson:** X Yes No
 - **Todd Hite:** X Yes No
 - **Wes Jordan:** X Yes No
 - **Robin Nicoson:** X Yes No
 - **Scott Pannicke:** X Yes No
 - **Michael Popich:** X Yes No

The motion passed, with a vote of 10-0.

8. Commission Review of Local Ordinances

a. Pre-Adoption Review

- i. Town of Knightstown, Indiana Building Code Ordinance (REVISED) - *received by IDHS commission staff via U.S. postal mail on Monday, March 2, 2020*

Director Boyle stated that the Town of Knightstown had submitted an updated, and revised ordinance, after the Commission recently denied approval of the town's original ordinance. Director Boyle advised the Commission that the Town of Knightstown submitted this proposed ordinance to staff for pre-adoption/preliminary staff review, as afforded by statute. Director Boyle reminded the Commission that no direct action by the Commission is required at this time.

However, the members of the Commission may review them and submit question or concerns to staff as needed.

b. Adopted

- i. Ordinance No. 855 – Building Code of the Town of Ogden Dunes, Indiana – *received by IDHS commission staff via electronic mail on Friday, January 24, 2020, and tabled by the Commission at 2/4/2020 and 3/3/20 meetings.*

Director Boyle stated that, following the request of the IDHS staff, this ordinance was tabled at the February and March meetings. Today marks the third time this ordinance has appeared on the Commission’s agenda. As such, Director Boyle reminded the Commission that statute affords four consecutive meetings to issue an order approving or denying the ordinance before it will be automatically approved without an order from the Commission. Furthermore, some editorial errors were found that need to be corrected. In the case that next month’s meeting is canceled, the final attempt to approve this ordinance will carry over into the following month’s agenda. Commissioner Furnish stated that he had additional concerns regarding some of requirements of the ordinance and wanted to address his concerns with staff and legal counsel before moving forward with any action. Since the Commission still has one more meeting to act on the ordinance, Commissioner Furnish moved to table, and Commissioner Pannicke seconded the motion.

• **Roll Call Vote:**

- | | | |
|--------------------------|------------------|--------|
| ▪ Greg Furnish: | <u> X </u> Yes | ___ No |
| ▪ Kevin Goeden: | <u> X </u> Yes | ___ No |
| ▪ Jim Greeson: | <u> X </u> Yes | ___ No |
| ▪ Joe Heinsman: | <u> X </u> Yes | ___ No |
| ▪ David Henson: | <u> X </u> Yes | ___ No |
| ▪ Todd Hite: | <u> X </u> Yes | ___ No |
| ▪ Wes Jordan: | <u> X </u> Yes | ___ No |
| ▪ Robin Nicoson: | <u> X </u> Yes | ___ No |
| ▪ Scott Pannicke: | <u> X </u> Yes | ___ No |
| ▪ Michael Popich: | <u> X </u> Yes | ___ No |

The motion was voted on and carried, with a vote of 10-0.

9. Comments and Closing Remarks – Kevin Goeden

Commissioner Goeden informed the Commission that today would be his last meeting, as he is retiring from the Indiana Department of Labor this week. He took a few minutes to thank the members for their fellowship over the years and expressed his honor to have served on the Commission for 14 years. Chairman Nicoson and the other members thanked him and wished him an enjoyable retirement.

10. Next Meeting – Tentatively scheduled for Wednesday, May 6, 2020, beginning at 9:00 a.m. in Conference Rooms 4 & 5 of the Indiana Government Center South Conference Center, 302 W. Washington Street, Indianapolis, IN 46204

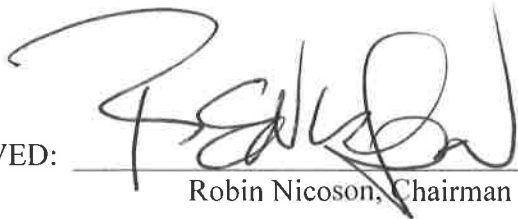
Director Boyle stated that the Commission’s next scheduled meeting will most likely be held electronically, due to the ongoing COVID-19 public health emergency. Due to success and fluidity of today’s meeting, Director Boyle said that meeting will likely again be conducted through the Webex videoconferencing software. Additional guidance will be provided as additional executive orders are issued, and as information becomes available.

If the Commission’s meeting must be conducted electronically/remotely due to the ongoing COVID-19 public health emergency, details will be provided on the Commission main web page (<http://www.in.gov/dhs/2375.htm>) in advance of the meeting date.

11. Adjournment

Chairman Nicoson thanks the members for their service and adjourned the meeting at 5:42 p.m.

APPROVED:



Robin Nicoson, Chairman